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## Many speed limits set too low

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*The Detroit News*

Metro Detroit motorists who exceed posted speed limits may not be breaking the law, because in many cases the limits themselves are unlawful, according to one of the state's top traffic cops.

Four years after the passage of Public Act 85, which requires municipalities in Michigan to conduct studies to set proper speed limits, most cities, villages and townships have not complied, according to Lt. Gary Megge, head of the Michigan State Police Traffic Services Section.

One likely reason, said Megge, whose section advises communities on how to set proper speed limits, is that communities want speeding ticket revenue, and failing to conduct the required speed studies allows them to keep enforcing their speed limits that Megge calls "artificially low."

"I think money is part of it, and I find it reprehensible that communities aren't following the law," Megge said. "In many cases, the problem is the speed limit, not the motorist. Communities have to obey the law, too."

A Detroit News review of 10 randomly selected Metro Detroit roadways identified as "speed traps" by the National Motorists Association, a grassroots advocacy group, found that no studies of those roadways have been conducted in accordance with the 2006 public act.

Public roadways are the responsibility of communities, county road commissions or the Michigan Department of Transportation. By law, it's up to those entities to conduct studies on the roads that fall under their jurisdiction.

Public Act 85 provides guidelines for determining proper speed limits. One option under the law would set the limit on the 85th percentile of free-flowing traffic on a road segment.

## Driver beat ticket in court

Daniel Kennedy, a criminal justice professor at the University of Detroit-Mercy, said it's possible for "someone in a responsible position" to compel communities to adhere to the public act.

"They would have to come up with a writ of mandamus, which means 'we command,'" he said. "That would force communities to obey state law."

Driver Jim Walker of Lexington beat a traffic ticket in 2008 by proving in court that the posted 30 mph speed limit on Nixon Road in Ann Arbor had not been set in accordance with PA 85.

He argued that because the city had not adopted the 2006 Uniform Traffic Code, by law the city must set limits using the access point method. Since the city hadn't done that, the ticket was thrown out.

"The judge said he wasn't happy about it, but he had to throw the ticket out because we proved the speed limit wasn't legal," said Walker, 65, who helped another man beat a speeding ticket using the same

argument. "The city appealed, but the judge dismissed the appeal."

Steve Purdy, director of the National Motorists Association Michigan chapter, said prosecutors usually will dismiss tickets challenged under PA 85.

"They don't want to establish a precedent, so they'll throw the ticket out or offer a deal where they give you an impeding traffic ticket rather than a speeding ticket," he said.

Impeding traffic tickets usually carry higher fines than speeding tickets, Purdy said, but the tradeoff is no demerit points are attached to the driving record, meaning insurance rates do not increase.

## Raised limit drew protest

The Macomb County Road Commission recently increased the speed limit on Metro Parkway between Jefferson and Dequindre in Sterling Heights to 55 mph, after conducting a speed study that showed the 40 and 50 mph posted limits were improper.

The decision prompted the Sterling Heights City Council to adopt a resolution opposing the increase, because it hadn't been notified of the change.

Sterling Heights spokesman Steve Guitar admitted the gesture was largely symbolic, since the speed limit increase was required by law.

"They know it's the law," Guitar said. "They just wanted to go on record to say they were concerned." He said the apprehension about the increase was over safety, not the potential loss of revenue because the number of speeding tickets issued by police might drop.

However, Ferndale Police Chief Michael Kitchen admitted revenue was the reason behind his recent decision to step up traffic enforcement.

"We have to write more tickets in order to avoid layoffs," Kitchen said. "I don't like how this looks to the public at all, but the bottom line is: If you obey the speed limit, we won't give you a ticket."

Kitchen admitted that the 35-mph speed limit on the most heavily-driven roadway in Ferndale -- Woodward Avenue near Nine Mile -- is likely too low.

"That speed limit would probably be 45 mph if they ever did a speed study," said Kitchen, adding that Woodward falls under MDOT's jurisdiction.

MDOT spokesman Rob Morosi said no speed study has been done on that stretch of Woodward since PA 85 was passed.

In Troy, the city's Traffic Improvement Association said it plans to conduct speed studies on several stretches of road, including Rochester Road near Maple, where the speed limit is 35 mph. That stretch was identified by the National Motorists Association as a speed trap.

"We're hoping to get those studies done this spring," said Troy Police Lt. David Livingston.

## Eureka's 45 mph is suspect

Megge said he plans to carry out a speed study later this month on Eureka Road near Interstate 275 in Romulus, where the posted speed limit is 45 mph. Megge said police have written a rash of tickets there.

"That's a county road, and we're working with (the Wayne County Road Commission) to see if that's a valid speed limit," Megge said. "Any time you have police issuing an inordinate number of tickets, it probably means the speed limit is set artificially low."

Sgt. Donald Smith, head of the Romulus Police traffic bureau, said that stretch of Eureka is a "high-crash area."

"There is a fair amount of enforcement there, but that's because there are a lot of crashes there," he said. Last year, 23 accidents occurred at the intersection of Eureka and Middle Belt, Smith said.

But Megge said there's a misconception that driving faster results in more crashes.

"It's absolutely not true," he said. "What's dangerous is when someone drives at an inappropriate speed."

State Police cannot force communities to comply with the public act, Megge said.

"If a speed limit hasn't properly been set, and someone exceeds it, the driver is in violation of the number on the sign," Megge said. "But if they're driving at a speed that's realistic, do they deserve a \$200 fine? Personally, I say they do not."

"I know if I got a ticket on a road where the speed limit wasn't set properly, I'd fight it."

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## Additional Facts

More online

To view Public Act 85 click on [www.legislature.mi.gov/documents/2005-2006/publicact/htm/2006-PA-0085.htm](http://www.legislature.mi.gov/documents/2005-2006/publicact/htm/2006-PA-0085.htm)

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